



**US Army Corps
of Engineers®**

PUBLIC NOTICE

APPLICATION FOR PERMIT

LOS ANGELES DISTRICT

Public Notice/Application No.: 200400105-KW

Comment Period: December 1, 2003 through December 30, 2003

Project Manager: Kenneth Wong (213) 452-3290 kenneth.wong@usace.army.mil

Applicant

Los Angeles County
Department of Public Works
900 South Fremont Ave.
Alhambra, California 91802-1460

Contact

Orlando Moreno
Los Angeles County
Department of Public Works
(626) 458-5946

Location

The proposed project is located in the San Gabriel River in the vicinity of Valley Boulevard in the City of Industry, Los Angeles County, California. The project location can be found on Township 1S/Range 11W, in the vicinity of 118° 01' 00" latitude, 34° 02' 45" longitude, 118° 01' 00" latitude, and 34° 02' 45" longitude of the El Monte Quadrangle United States Geological Survey Map.

Activity

The applicant proposes to construct two inflatable rubber dams downstream of the existing Rubber Dam No. 1 and 14 feet upstream of existing drop structures in the San Gabriel River. Each dam, spanning the existing levees, would be approximately 450 foot-long, 23 foot-wide and 8 foot-high when inflated. The project also includes placing approximately 11,500 linear feet of chain-link fence and constructing two control houses along the levees (see figures).

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Branch
ATTN: CESPL-CO-R-200400105-KW
P.O. Box 532711
Los Angeles, California 90053-2325

Alternatively, comments can be sent electronically to: kenneth.wong@usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

Coastal Zone Management- For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission that the project is consistent with the State's Coastal Zone Management Plan. This project is located outside the coastal zone and preliminary review indicates that it will not affect coastal zone resources. A final determination of whether this project affects coastal zone resources will be made by the Corps, in consultation with the California Coastal Commission, after review of the comments received on this Public Notice.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- Focused protocol surveys for the Federally-endangered least Bell's vireo (*Vireo bellii pusillus*) and southwestern willow flycatcher (*Empidonax traillii extimus*) were conducted in 2002. Surveys for the least Bell's vireo (*Vireo bellii pusillus*) identified a solitary male approximately 300 ft. downstream of the proposed site for San Gabriel River Rubber Dam No. 2 and a pair approximately 600 ft. downstream of the proposed site for San Gabriel River Rubber Dam No. 3. The southwestern willow flycatcher was not observed during the survey. However, the areas downstream of both dams provide potential breeding habitat for the species. Pursuant to Section 7 of the Endangered Species Act of 1973, the Corps will initiate formal consultation with the U.S. Fish and Wildlife Service for the two species.

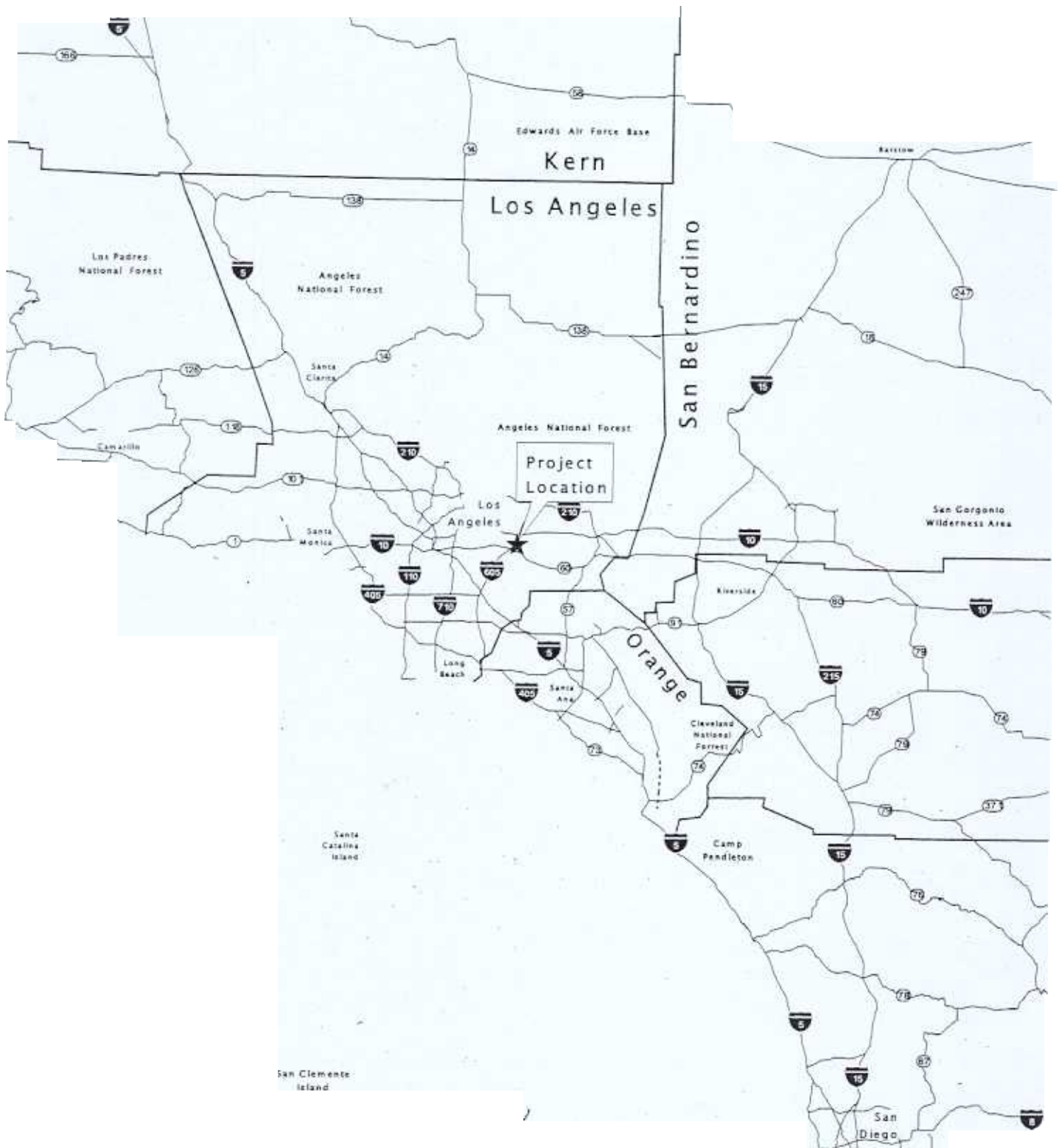
Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required – The purpose of the dams is to capture local runoff for in-channel ground water recharge and to provide storage for spreading water in the downstream portions of the river. To this end, the applicant would construct two inflatable rubber dams that would be inflated periodically during the winter rainfall period (usually from October 15 to April 15) for a duration of two to three days to impound water.

To construct the inflatable rubber dams, the applicant would need to construct for each dam a 450 foot-long by 23 foot-wide reinforced concrete foundation. The total permanent impact for the two proposed rubber dams is 0.83 acres. Furthermore, approximately 25 acres upstream of each dam would be temporarily inundated when the proposed rubber dams are inflated.

Proposed Special Conditions- No specific special conditions are proposed at this time. However, should the need for special conditions arise based upon the environmental analysis to be conducted, the Corps may include special conditions within the permit.

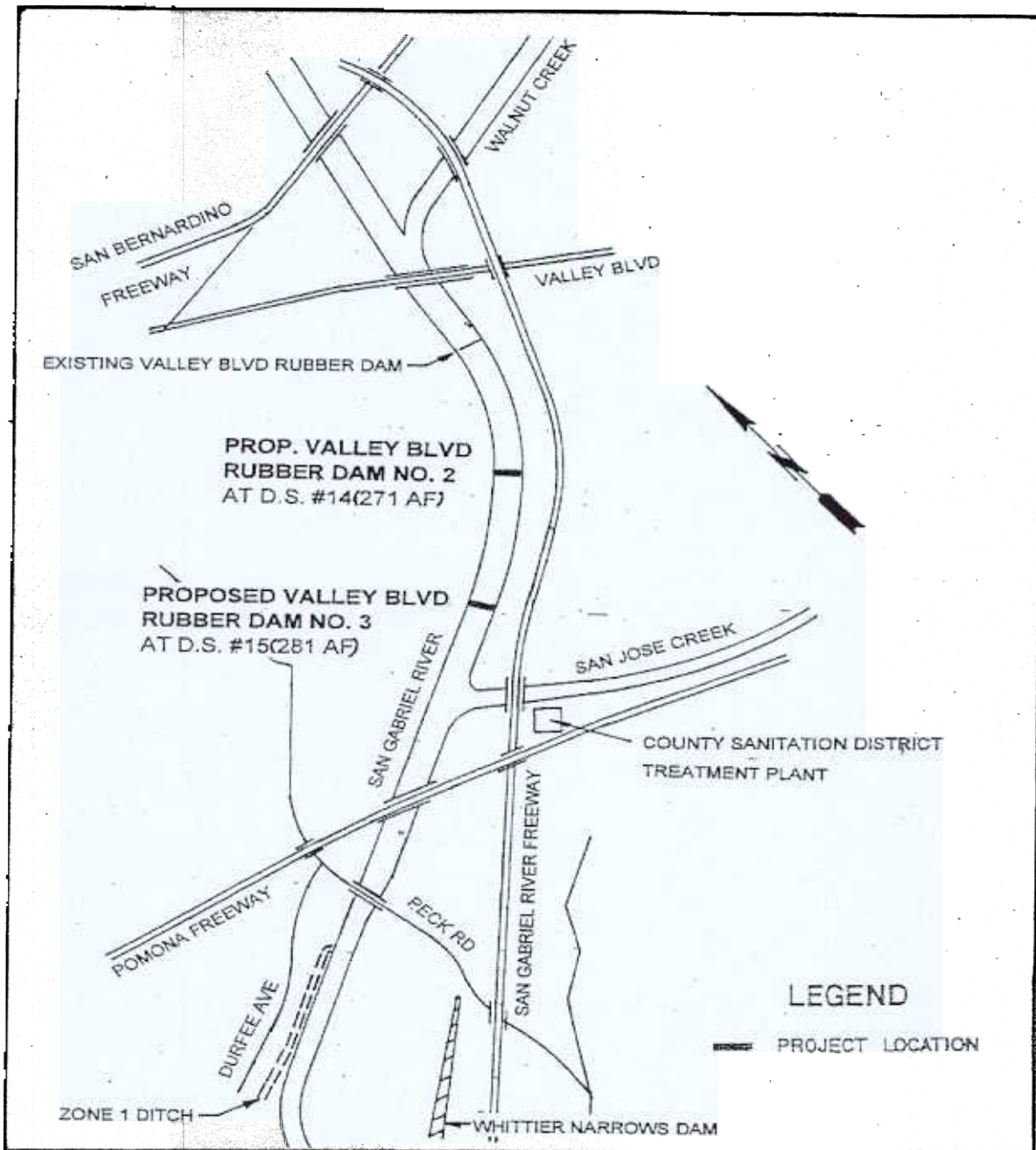
For additional information please call Kenneth Wong of my staff at (213) 452-3290. This public notice is issued by the Chief, Regulatory Branch.



**US Army Corps
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Regional Location

Exhibit 1



**US Army Corps
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Local Vicinity

Exhibit 2

